

**AGENDA  
BOARD OF SELECTMEN  
MONDAY, JUNE 20, 2016**

**6:30 p.m. – Convene Meeting in Open Session – Waquoit Meeting Room – Mashpee Town Hall**

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

**MINUTES**

- Approval of the following: Monday, June 6, 2016 Regular and Executive Session

**APPOINTMENTS & HEARINGS**

- 6:30 – Public Comment
- 6:40 – Discussion of outdoor entertainment noise levels, *Dino's Sports Bar*

**COMMUNICATIONS & CORRESPONDENCE**

- 1) Approval of letter to Governor Baker supporting offshore wind power
- 2) Discussion of new type of liquor license, *Caterer's License*
- 3) Update on communication relative to Town/Tribal matters

**OLD BUSINESS**

**NEW BUSINESS**

- 1) Approval of Special Events Application for July 14, 2016, *Coast Guard Beach Day*
- 2) Approval of Special Events Application for September 8, 2016, *Cape Cod Discovery Club*
- 3) Approval of two (2) Special Events Applications, *Mashpee Chamber of Commerce*:
  - 2<sup>nd</sup> Annual Clambake – July 9, 2016
  - 9<sup>th</sup> Annual La Tavola – August 12, 2016
- 4) Approval of request to waive permit fees for signage for two (2) special events, *Mashpee Chamber of Commerce*
- 5) Discussion of possible acceptance of gift/donation of land to the Town, *46 Arabic Avenue*
- 6) Review and approval of annual reappointments
- 7) Discussion and adoption of priorities for FY 2017

**ADDITIONAL TOPICS**

(This space is reserved for topics that the Chairman did not reasonably anticipate would be discussed)

**LIAISON REPORTS**

**EXECUTIVE SESSION**

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Present: Selectman Gottlieb, Selectman Cahalane, Selectman O'Hara,  
Selectman Cotton, Selectman Sherman  
Town Manager Rodney C. Collins  
Assistant Town Manager Wayne Taylor

Meeting Called to Order by Chairman Gottlieb at 6:30 p.m.  
Mashpee Town Hall, Waquoit Meeting Room

## MINUTES

Monday, June 6, 2016 Regular & Executive Session:

**Motion made by Selectman Sherman to approve the Regular & Executive Session minutes of Monday, June 6, 2016 as presented.**

**Motion seconded by Selectman O'Hara.**

**VOTE: Unanimous. 5-0.**

### Roll Call Vote:

Selectman Gottlieb, yes	Selectman Cahalane, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Selectman Sherman, yes	Opposed, none

## APPOINTMENTS & HEARINGS

Public Comment: None at this time.

Discussion of outdoor entertainment noise levels, Dino's Sports Bar:

The Board of Selectmen reviewed the matter of excess outdoor noise levels emanating from Dino's Sports Bar, John's Pond Center, Route 151, Mashpee. Town Manager Rodney C. Collins indicated he has met with the concerned residents individually regarding the noise levels.

Several area residents were in attendance to discuss this issue with the Board of Selectmen. In attendance were Virginia Scharfenberg and Michael Talbot of 3 Pequoit Avenue, Damon and Carey Crook of 3 Mohican Avenue and Duncan and MaryAnn Campbell of 4 Mohican Avenue. The subject properties are located to the rear of Dino's Sports Bar. Dino, Constantinos Mitrokostas was also present to assist in the remediation of this matter.

The area residents have been monitoring the decibel levels. Correspondence was disseminated by Ms. Scharfenberg with respect to this regard. (*enclosure*)

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Discussion of outdoor entertainment noise levels, Dino's Sports Bar: (continued)

Mr. Mitrokostas expressed sincere apologies to his neighbors and did not dispute the neighborhood concern. Mr. Mitrokostas indicated that he monitors the outside entertainment decibel levels as well, and noted that recently he fired two bands for not adhering to his request to limit the noise levels. It was noted that Dino's Sports bar has been in the Town of Mashpee for twenty-five years. The neighborhood was constructed thereafter and it was a known fact they would be "coming to the nuisance". Outside entertainment has been in existence for the past fifteen years. Mr. Mitrokostas is also well known and respected in the Mashpee community.

Mr. Mitrokostas stated he has taken this issue to his heart, and has offered several solutions to remedy this concern. Recommendations include professional intervention by employing an acoustical engineer to submit a professional study, and/or hiring a professional to block the aisle with sound proofing or perhaps a Plexiglas wall or padding if this was acceptable to the Town and neighborhood.

Mr. Mitrokostas explained that bands are scheduled in advance, and some have a strong following.

It was noted that previously this type of issue was brought to the Selectmen from the Windchime Condominium Association in concern to the amplification at The Lanes in Mashpee Commons. To rectify this concern, the bands play inside and non-amplified acoustical music is played outdoors. However, the configuration at Dino's differs. To gain additional knowledge regarding this concern, it was suggested Mr. Mitrokostas discuss this matter with The Lanes.

Town Manager Rodney C. Collins indicated he is being objective, but there is concern for a nurse who cannot sleep and this nuisance should be corrected. Nurse MaryAnn Campbell stated she is very friendly with Dino, but has to wear earplugs and turn on the air conditioning to deafen the music deemed intrusive and causing difficulties with sleep. Ms. Campbell also stated the sounds are far worse on the second story of her home.

Carey Crook of 3 Mohican Avenue stated she loves Dino's and the live music, but the sound needs to be regulated.

The Board of Selectmen agreed that a professional assessment should be conducted as soon as possible with stop gap measures in between. Mr. Mitrokostas indicated he would conduct a site visit and work cooperatively to mitigate the sound. Both Mr. Mitrokostas and a representative of the neighborhood were requested to contact the Town Manager's Office on Monday. If the situation is not remedied in three weeks, the Board of Selectmen acting as the licensing authority for the Town of Mashpee has obligations and would further address this matter at their July 11<sup>th</sup> meeting.

Pequoit Avenue resident Michael Talbot stated at original Planning Board meeting related to the construction of the outdoor patio area, there was concern there was going to be music and if the music was going to be a problem, the patio would be enclosed to contain the sound. It was reported that was well over a decade ago.

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## COMMUNICATIONS & CORRESPONDENCE

### Approval of letter to Governor Baker supporting offshore wind power:

Correspondence was received from Julia Kindlon of Environmental America via email dated June 9, 2016 requesting the Board consider executing a draft letter on behalf of Environment Massachusetts urging Governor Baker to support offshore wind power as a key component of Massachusetts' energy plan.

A brief discussion followed with respect to past experiences and of placement in areas not conducive to offshore wind power. It was noted the proposal is outside of shallow waters and recreational boating areas.

**Motion made by Selectman Cotton to not endorse the letter regarding offshore wind power.  
Motion seconded by Selectman Cahalane.**

**VOTE: 3-2. Motion carries to not support.**

### **Roll Call Vote:**

<b>Selectman Gottlieb, no</b>	<b>Selectman Cahalane, yes</b>	<b>Selectman O'Hara, no</b>
<b>Selectman Cotton, yes</b>	<b>Selectman Sherman, yes</b>	<b>Opposed, none</b>

### Discussion of new type of liquor license, Caterer's License:

The Board of Selectmen conducted a brief review of the new type of annual, all alcoholic beverages license called the "Caterer's License" under MGL Chapter 138, §12C. The Caterer's License is an on-premises license which allows a caterer to sell alcoholic beverages at private events for no more than five hours in a city or town that allows on-premises licensees under this law. As a result of the changes in state law, one day liquor licenses are not required for events likely to be catered.

### Update on communication relative to Town/Tribal Matters:

At the last meeting, the Board agreed to require all correspondence to the Tribe go through the Chairman of the Board of Selectmen and for the Tribe to communicate in the same manner as the Town when remitting correspondence.

For continued transparency, Chairman Gottlieb's letter to the Tribal Council Chair dated June 16, 2016 was included in the Selectmen's informational packet for additional review. It is hopeful this mutual approach in the spirit of cooperation would achieve clarity in matters to be addressed in the upcoming year. The Board of Selectmen voiced support to the letter and this approach.

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## COMMUNICATIONS & CORRESPONDENCE

### BAN for Road Betterments:

Craig Mayen, Tax Collector/Treasurer was in attendance to request the Board of Selectmen execute the short term borrowing authorized at the May Town Meeting. When the projects are complete the Town will bond for the betterments and incorporate other projects into the bonding. The BAN is for \$1,290,000 for 333 days with an interest rate of .80%. There was no action required from the Board of Selectmen at this time.

## OLD BUSINESS

## NEW BUSINESS

### Approval of Special Events Application for July 14, 2016, Coast Guard Beach Day:

A Special Events application was before the Board for approval of the Coast Guard Beach Day planned to be held on July 14, 2016 at the Coast Guard Beach. The social gathering will be held for Coast Guard members from 8:00 a.m. to 3:30 p.m.

**Motion made by Selectman Cahalane to approve the Special Events Application for Coast Guard Beach Day on July 14, 2016 as referenced.**

**Motion seconded by Selectman Cotton.**

**VOTE: Unanimous. 5-0.**

### **Roll Call Vote:**

<b>Selectman Gottlieb, yes</b>	<b>Selectman Cahalane, yes</b>	<b>Selectman O'Hara, yes</b>
<b>Selectman Cotton, yes</b>	<b>Selectman Sherman, yes</b>	<b>Opposed, none</b>

### Approval of Special Events Application for September 8, 2016, Cape Cod Discovery Club:

The Board of Selectmen reviewed the Special Events application for the Cape Cod Discovery Club to utilize the Mashpee Community Park on Thursday, September 8, 2016 from 12:15 p.m. to 1:30 p.m. for a club visit and tour. The Discovery Club plans to review the Mashpee Indian Museum and have a picnic lunch at the Community Park weather permitting.

**Motion made by Selectman Sherman to approve the Special Events Application of the Cape Cod Discovery Club to use the Mashpee Community Park on September 8, 2016 as referenced.**

**Motion seconded by Selectman O'Hara.**

**VOTE: Unanimous. 5-0.**

### **Roll Call Vote:**

<b>Selectman Gottlieb, yes</b>	<b>Selectman Cahalane, yes</b>	<b>Selectman O'Hara, yes</b>
<b>Selectman Cotton, yes</b>	<b>Selectman Sherman, yes</b>	<b>Opposed, none</b>

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Approval of two (2) Special Events Applications, Mashpee Chamber of Commerce:

2<sup>nd</sup> Annual Clambake – July 9, 2016

9<sup>th</sup> Annual La Tavola – August 12, 2016

Mary Lou Palumbo was in attendance on behalf of the Mashpee Chamber of Commerce to request the Selectmen's approval to hold two annual fundraisers. The 2<sup>nd</sup> annual Mashpee Chamber Clambake is scheduled to be held on July 9, 2016 at the Mashpee Commons Green from 3:00 p.m. to 7:00 p.m. Beer and Wine would be served at the family event. The 9<sup>th</sup> annual La Tavola, an Italian dinner fundraiser is planned to be held on Joy Street at the South Cape Village on August 12, 2016 from 5:00 p.m. to 8:30 p.m. Beer and wine would also be served at this event. Copies of the liquor license liability policies were presented to the Board of Selectmen.

**Motion made by Selectman Sherman to approve the (2) Special Events Application of the Mashpee Chamber of Commerce; the 2<sup>nd</sup> Annual Clambake on July 9, 2016 and the 9<sup>th</sup> Annual La Tavola on August 12, 2016 as referenced.**

**Motion seconded by Selectman O'Hara.**

**VOTE: Unanimous. 5-0.**

**Roll Call Vote:**

Selectman Gottlieb, yes	Selectman Cahalane, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Selectman Sherman, yes	Opposed, none

Approval of request to waive permit fees for signage for two (2) special events, Mashpee Chamber of Commerce:

With regards to the two special and annual events; the clambake and La Tavola planned as fundraisers for the Mashpee Chamber of Commerce Ms. Palumbo respectfully requested the Board of Selectmen waive the permit fees for signage. The banners proposed for the events are 3' x 10' within Sign Zoning By Laws. Ms. Palumbo indicated the fee waiver would support the events tremendously.

**Motion made by Selectman Sherman to waive the permit fees for the two special events planned by the Mashpee Chamber of Commerce for the annual clambake on July 9, 2016 and the annual La Tavola on August 12, 2016.**

**Motion seconded by Selectman Cotton.**

**VOTE: Unanimous. 5-0.**

**Roll Call Vote:**

Selectman Gottlieb, yes	Selectman Cahalane, yes	Selectman O'Hara, yes
Selectman Cotton, yes	Selectman Sherman, yes	Opposed, none

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Discussion of possible acceptance of gift/donation of land to the Town, 46 Arabic Avenue:

The Board of Selectmen received correspondence from the Treasurer/Tax Collector dated May 12, 2016 regarding a request from Doris Sawler to donate her property at 46 Arabic Avenue, to the Town of Mashpee. The taxpayer is current on property taxes, and there are no structures on the property. The parcel is located across from two Town-owned parcels. All parcels are located south of the Eversource power line easement. The 0.229 acres property is identified as Map 62, parcel 25. The property is inaccessible and lies in a groundwater protection area. Development is impractical and unadvisable. The current value of the land is \$3,600.

Correspondence was received from Town Counsel dated June 13, 2016 with respect to this regard. Additional communication was received from Jason Streebel, Assessor recommending the Board of Selectmen accept the property without a specific designation at this time.

**Motion made by Selectman Cahalane to accept the gift/donation of land referenced as 46 Arabic Avenue with no designated use.**

**Motion seconded by Selectman Cotton.**

**VOTE: Unanimous. 5-0.**

**Roll Call Vote:**

<b>Selectman Gottlieb, yes</b>	<b>Selectman Cahalane, yes</b>	<b>Selectman O'Hara, yes</b>
<b>Selectman Cotton, yes</b>	<b>Selectman Sherman, yes</b>	<b>Opposed, none</b>

Review and approval of annual reappointments:

The Board of Selectmen reviewed the annual reappointment list and made the following amendments; Community Preservation Committee – To list the At-Large Members only; Evelyn Buschenfeldt, Ed Larkin, Diane Rommelmeyer, (1) Vacancy  
Diane Rommelmeyer's appointment was placed on hold. The Town Manager's Office was directed to contact Ms. Rommelmeyer regarding her interest to serve on the Community Preservation Committee. Under EDIC Robert Cobuzzi the Finance representative was removed.  
All vacancies including the Planning & Construction Committee shall be duly advertised.

**Motion made by Selectman Sherman to approve the 2016 Annual Reappointment List as amended.**

**Motion seconded by Selectman O'Hara.**

**VOTE: Unanimous. 5-0.**

**Roll Call Vote:**

<b>Selectman Gottlieb, yes</b>	<b>Selectman Cahalane, yes</b>	<b>Selectman O'Hara, yes</b>
<b>Selectman Cotton, yes</b>	<b>Selectman Sherman, yes</b>	<b>Opposed, none</b>

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Discussion and adoption of priorities for FY 2017:

In an effort to reach consensus to guide the Town Manager in the oversight of daily operations, correspondence from the Chairman of the Board of Selectmen dated June 15, 2016 relative to proposed priorities for FY2017 was reviewed.

Of importance was the development of a capital spending plan to identify capital spending needs and funding options in a five to ten year outlook. There are several large projects under consideration which include Clean Water, road maintenance, the Cape Cod Technical School rehabilitation project and the Quashnet School window replacement project. Other capital needs include additional maintenance assumptions associated to road takings, the community park and recreational facilities.

Town Manager Rodney C. Collins stated that it is important to realize the long and short term goals of the Board of Selectmen, and identify funding sources. It was noted that some of the projects before the Town are variables the Town has little control of such as the technical school project. It was strongly recommended that funding be set aside for unfunded liabilities.

Additional topics under consideration include the review of the operational efficiency and responsive services of each department, a complete review of the existing policies and procedures, the implementation of the Clean Water program and maintaining open communication with the Tribal Council to address matters of mutual concern. It was agreed the Selectmen would revisit this topic at their next meeting.

**LIAISON REPORTS**

Schools: With regards to the Quashnet School window replacement project Selectman O'Hara indicated he met with a window representative recently with regards to reviewing this project. It was noted that all window contractors conduct a site review and survey for no obligated cost. It was agreed the Town would take advantage of this offer and survey the school during the summer months to obtain a price comparison.

Recreation: The annual Mashpee Picnic & Fireworks is scheduled to be held on July 1<sup>st</sup> at the Mashpee High School.



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Adjournment:

**Motion made by Selectman Cotton to adjourn at 7:42 p.m.**

**Motion seconded by Selectman Sherman.**

**VOTE: Unanimous. 5-0.**

**Roll Call Vote:**

**Selectman Gottlieb, yes  
Selectman Cotton, yes**

**Selectman Cahalane, yes  
Selectman Sherman, yes**

**Selectman O'Hara, yes  
Opposed, none**

Respectfully submitted,

Kathleen M. Soares  
Secretary to the Board of Selectmen

*Enclosure:*

*Communication from Virginia Scharfenberg  
dated June 20, 2016 regarding decibel levels, Dino's Sports Bar*